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Baker Botts LLP
2001 Rosse Avenue
Dallas, TX 75201-2980

EXAMINER

HO, CHUONG T

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,038

Applicant(s)

MO ET AL.

Examiner

Chuong Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-24 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1.3</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. Amendment filed 07/01/04 have been entered and made of record.
2. Applicant's amendment filed 07/01/04 with respect to claims 1-10, 19-29 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-10, 19-29 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. Patent No. 6,658,457) in view of Egnell (U.S. Patent No. 6,574,192 B1).

In the claim 1, see figure 4, Nishikawa et al. discloses the path selector 14a divides them into segments (Da, Dc) and (Db, Dd) and distributes these segments to the paths P1 and P2, respectively. Because the system supports a dual redundant transmission scheme, the above message should be placed not only on the working paths, but also on the protection paths. That is, every data directed to the working subsystem has to be duplicated for transmission over the protection paths (see figure 4, col. 6, lines 50-55); comprising:

Generating a first protection path (P1) for connectionless signals (see col. 9, lines 20-25) (see col. 6, lines 50-55);

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Generating a second protection path (P2) or connectionless signals (see col. 9, lines 20-25) from each of the nodes to a destination node, the second protection path (P2) distinct from the first protection path (P1) (see col. 6, lines 50-55);

Routing protection traffic along one of the protection paths (P1, P2) to the destination node (see figure 4, col. 9, lines 50-55);

However, Nishikawa et al. is silent to disclosing wherein generating the first protection path and generating the second protection path each comprise decomposing the telecommunication network.

Egnell discloses generating the first protection path and generating the second protection path each comprise decomposing the telecommunications network (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishikawa with the teaching of Egnell to decompose the telecommunication network in order to arrive the same destination. Therefore, the combined system have been enable to control congestion in the network.

5. In the claim 19, see figure 4, Nishikawa et al. discloses the path selector 14a divides them into segments (Da, Dc) and (Db, Dd) and distributes these segments to the paths P1 and P2, respectively. Because the system supports a dual redundant transmission scheme, the above message should be placed not only on the working

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paths, but also on the protection paths. That is, every data directed to the working subsystem has to be duplicated for transmission over the protection paths (see figure 4, col. 6, lines 50-55); comprising:

Generating a first protection path (P1) for connectionless signals (see col. 9, lines 20-25) (see col. 6, lines 50-55);

Generating a second protection path (P2) or connectionless signals (see col. 9, lines 20-25) from each of the nodes to a destination node, the second protection path (P2) distinct from the first protection path (P1) (see col. 6, lines 50-55);

Routing protection traffic along one of the protection paths (P1, P2) to the destination node (see figure 4, col. 9, lines 50-55);

However, Nishikawa et al. is silent to disclosing wherein generating the first protection path and generating the second protection path each comprise decomposing the telecommunication network.

Egnell discloses generating the first protection path and generating the second protection path each comprise decomposing the telecommunications network (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Nishikawa with the teaching of Egnell to decompose

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the telecommunication network in order to arrive the same destination. Therefore, the combined system have been enable to control congestion in the network.

6. In the claim 3, Egnell (U.S.6,574,192 B2) discloses decomposing the telecommunications network comprising decomposing the telecommunications network into a ring (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

7. In the claim 4, Egnell discloses decomposing the telecommunications further comprising decomposing the telecommunications network into at least one ear (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

8. In the claim 5, Egnell discloses decomposing the telecommunications network further comprising charting the ring horizontally beginning with the destination and ending with destination node (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

9. In the claim 6, Egnell discloses decomposing the telecommunications network further comprising ordering the ears and charting the ears horizontally based on the order of the ears (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

10. In the claim 7, Egnell discloses generating the first protection path further comprising generating the first protection path in a first direction based on the charted ring and ears and generating the second protection path further comprising generating the second protection path in a second direction based on the charted ring and ears (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

11. In the claim 8, Nishikawa et al. discloses classifying received traffic as working traffic or protection traffic; and routing protection traffic comprising routing protection traffic based on the classification of the received traffic as working traffic or protection traffic (see col. 6, lines 50-55).

12. In the claim 9, Nishikawa et al. discloses routing protection traffic further comprising routing along the first protection path the protection traffic received on the first protection path and routing along the second protection path the protection traffic received on the second protection path (see col. 6, lines 50-55).

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13. In the claim 21, Egnell discloses the plurality of nodes further operable to be decomposed into at least one ear (see figure 3A, see col. 5, lines 3-7, extra bi-directional links L1-L11 for protection are connected between the different nodes N1-N8, via multi direction cross points C1-C3 or directed between the nodes) (the decomposition of the network may performed by the nodes C1, C2, C3) (see col. 2, lines Lines 33-34, lines 36-38).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Nishikawa – Egnell) in view of Hillard (U.S. Patent No. 6,765,880 B1).

In the claim 10, the combined system (Nishikawa – Egnell) discloses the limitations of claim 1 above.

However, the combined system (Nishikawa – Egnell) is silent to disclosing determining which of the first and second protection paths to the destination node comprises a shorter path; and routing received working traffic as protection traffic onto the protection path comprising the shorter path.

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Hillard discloses determining which of the first and second protection paths to the destination node comprises a shorter path; and routing received working traffic as protection traffic onto the protection path comprising the shorter path (see abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Nishikawa – Egnell) with the teaching of Hillard to determine which of the first and second protection paths to the destination node comprises a shorter path in order to eliminate the potential waster of computational resources. Therefore, the combined system would have been led to a more rapid and efficient routing.

16. Claims 22-24, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Nishikawa-Egnell) in view of Au (U.S. Patent No. 6,473,397 B1).

In the claim 22, the combined system (Nishikawa – Egnell) discloses the limitations of claim 19 above.

However, the combined system is silent to disclosing each of nodes comprising at least two ports, each port operable to receive and transmit traffic for the node and a protection egress port identifier operable to identify one of the port as a protection egress port for a specified ingress port and a specified destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node.

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Au discloses, see figure 3, STU-VCI mapping 51 identifying the VCIs associated with all its STUs. The ATM switch has a full-duplex STU port 49 for each STU52 (see col. 5, lines 37-38); comprising:

each of nodes (A, B, C, D, E) comprising at least two ports, each port operable to receive and transmit traffic for the node and a protection egress port identifier operable to identify one of the ports as a protection egress port for a specified ingress port and a specified destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node (see figure 3, col. 7, lines 25-30, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-10).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Nishikawa – Egnell) with the teaching of Au to provide at least two ports (each of nodes), each port operable to receive and transmit traffic for the node in order to identify one of the ports as a protection egress port for a specified ingress port and a specified destination node, the protection egress port operable to transmit protection traffic received at the specified ingress port for the specified destination node. Therefore, the combined system would have been enable the node to be re-routed the traffic to another available egress protection port (a failure occurs on the working egress port).

17. In the claim 23, Au discloses each of the nodes further comprising an egress port evaluator operable to evaluate a status for each of the nodes (see col. 9, lines 20-25).

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18. In the claim 24, Au discloses each of the nodes further comprising an egress port selector operable to select an egress port for transmitting traffic for the node (see col. 7, lines 5-7, lines 25-30).

19. In the claim 26, Au discloses each of the nodes further comprising a working traffic egress port identifier (see figure 3) operable to identify one of the ports as a working traffic egress port for a specified ingress port and a specified destination node, the working traffic egress port operable to transmit working traffic received at the specified ingress port for the specified destination node (see figure 3, col. 7, lines 25-30, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-10).

20. In the claim 27, Au discloses each of nodes further comprising a secondary protection egress port identifier operable to identify one of the ports as a secondary protection egress port for a specified destination node, the secondary protection egress port operable to transmit as protection traffic the working traffic received at the node for the specified destination node (see figure 3, col. 7, lines 25-30, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-10).

21. In the claim 28, Nishikawa et al. discloses each of the nodes further comprising a traffic classifier operable to classify received traffic as working traffic or protection traffic (see col. 6, lines 50-55).

22. In the claim 29, Au discloses the egress port selector operable to select an egress port for transmitting traffic for the node based on the classification of the received traffic as working traffic or protection traffic and based on the status of the

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egress ports (see figure 3, col. 7, lines 25-30, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-10).

Allowable Subject Matter

23. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong ho whose telephone number is (571)272-3133. The examiner can normally be reached on Monday-Friday from 8:00AM-4:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/29/04

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'WHD' followed by a long horizontal line extending to the right.